

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BEHAYLO,

Plaintiff,

vs.

THE TOP-FLITE GOLF COMPANY,

Defendant.

CIVIL ACTION NO. 05-30178-KPN

**ASSSENTED TO MOTION TO EXTEND
DEADLINE FOR FILING MOTION(S)
FOR SUMMARY JUDGMENT**

NOW COMES Defendant Top-Flite Golf Company, by and through its counsel Skoler, Abbott & Presser, P.C., and files this Motion to Extend the deadline for filing the Motion for Summary Judgment in the above-captioned matter.¹ Defendant hereby moves to extend the deadline for filing until November 30, 2006, with the deadlines for Opposition and Reply brief similarly being extended by one month. Plaintiff has assented to this motion. There have been no prior requests for extension of the deadline to file the Motion for Summary Judgment.

The court had set October 30, 2006 as the deadline for filing motions for Summary Judgment in four related cases, Michael Behaylo v. The Top-Flite Golf Company - CV#05-30178-KPN; John Bettencourt v. The Top-Flite Golf Company - CV#05-30179-KPN; Paul Duval v. The Top-Flite Golf Company - CV#05-30181-KPN; and Gary J. Lonczak v. The Top-Flite Golf Company - CV#05-30180-KPN.² However, preparation of the four simultaneous Motions for Summary Judgments in the allowed

¹Identical motions are being filed in the related cases.

²The parties were given time to first decide whether mediation was desired. Plaintiff notified the court on September 12, 2006 that the parties were not proceeding to mediation.

time has proven to be an exceedingly daunting task, requiring counsel to synthesize information reflected in fourteen depositions and thousands of pages of documents produced by one party or the other. While counsel has until now attempted to do this within an already fairly busy schedule, he has also had to deal with certain matters relating to his being named the executor of his recently deceased sister's estate.

At this point it has become clear that additional time will be necessary if the Motions, supporting Rule 56 Statements and Memorandum of Law are to be of maximum assistance to the court in deciding the potentially dispositive issues that will be raised. Accordingly, through counsel, Defendant seeks this extension of time to file its Motion for Summary Judgment.

Respectfully submitted,

/s/ Jay M. Presser, Esq.

Jay M. Presser, Esq.

BBO No. 405760

Counsel for Defendant

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Dated: October 13, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Assented to Motion to Extend Deadline for Filing Motion(s) for Summary Judgment* was served upon the attorney of record for each other party electronically and by first-class, U.S. mail, postage prepaid, on October 13, 2006.

/s/ Jay M. Presser, Esq.

Jay M. Presser, Esq.